

**Introduced by Senator Murray**

January 5, 2004

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An act to amend Sections 21464 and 42001 of the Vehicle Code, relating to vehicles.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1085, as introduced, Murray. Vehicles: official traffic control signals: interruptive devices.

(1) Existing law prohibits a person from using, and prohibits any vehicle, other than an authorized emergency vehicle, from being equipped with, any device capable of sending a signal that interrupts or changes the sequence patterns of an official traffic control signal, unless that device or use is authorized by the Department of Transportation or local authorities, as specified. A willful violation of this prohibition that results in injury to, or the death of, a person is punishable by imprisonment in the state prison, or by imprisonment in a county jail for a period of not more than 6 months, and by a fine of not less than \$5,000 nor more than \$10,000. A willful violation of this prohibition that does not result in injury to, or the death of, a person is punishable by a fine of not more than \$3,000.

This bill would specify that this prohibition applies to mobile infrared transmitters.

The bill would make it an infraction, punishable by specified fines, for a person to install, sell, or offer for sale the specified devices, including the mobile infrared transmitter, unless the installation, sale, or offer for sale is for the use of the device by a peace officer or other person authorized to operate an authorized emergency vehicle in the scope of his or her duties. The bill, thereby, would establish a state-mandated local program by creating a new crime.



(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21464 of the Vehicle Code is amended  
2 to read:

3 21464. (a) ~~No~~ A person ~~shall~~, without lawful authority, *may*  
4 *not* deface, injure, attach any material or substance to, knock  
5 down, or remove, nor ~~shall any~~ *may a* person shoot at, any official  
6 traffic control device, traffic guidepost, traffic signpost, motorist  
7 callbox, or historical marker placed or erected as authorized or  
8 required by law, nor ~~shall any~~ *may a* person without lawful  
9 authority deface, injure, attach any material or substance to, or  
10 remove, nor ~~shall any~~ *may a* person shoot at, any inscription,  
11 shield, or insignia on any such device, guide, or marker.

12 (b) ~~No~~ A person ~~shall may not~~ use, and ~~no~~ a vehicle, other than  
13 an authorized emergency vehicle, ~~shall may not~~ be equipped with,  
14 any device, *including, but not limited to, a mobile infrared*  
15 *transmitter; that is* capable of sending a signal that interrupts or  
16 changes the sequence patterns of an official traffic control signal  
17 unless that device or use is authorized by the Department of  
18 Transportation pursuant to Section 21350 or by local authorities  
19 pursuant to Section 21351.

20 (c) *A person may not install, sell, or offer for sale a device*  
21 *described in subdivision (b), including, but not limited to, a mobile*  
22 *infrared transmitter; unless the installation, sale, or offer for sale*  
23 *is for the use of the device by a peace officer or other person*  
24 *authorized to operate an authorized emergency vehicle in the*  
25 *scope of his or her duties.*

26 (d) Any willful violation of subdivision (a) or (b) ~~which that~~  
27 results in injury to, or the death of, a person is punishable by  
28 imprisonment in the state prison, or *by* imprisonment in a county  
29 jail for a period of not more than six months, and by a fine of not

1 less than five thousand dollars (\$5,000) nor more than ten  
2 thousand dollars (\$10,000).

3 ~~(d)~~

4 (e) Any willful violation of subdivision (a) or (b) ~~which~~ *that*  
5 does not result in injury to, or the death of, a person is punishable  
6 by a fine of not more than three thousand dollars (\$3,000).

7 ~~(e)~~

8 (f) *A violation of subdivision (c) is punishable by a fine of not*  
9 *more than five thousand dollars (\$5,000).*

10 (g) The court shall allow the offender to perform community  
11 service designated by the court in lieu of all or part of any fine  
12 imposed under this section.

13 SEC. 2. Section 42001 of the Vehicle Code is amended to  
14 read:

15 42001. (a) Except as provided in *subdivision (e) or (f) of*  
16 *Section 21464, or Section 42000.5, 42001.1, 42001.2, 42001.3,*  
17 *42001.5, 42001.7, 42001.8, 42001.9, 42001.11, 42001.12,*  
18 *42001.13, 42001.14, 42001.15, 42001.16, or subdivision (a) of*  
19 *Section 42001.17, or Section 42001.18, or subdivision (b), (c), or*  
20 *(d) of this section, or Article 2 (commencing with Section 42030),*  
21 *every person convicted of an infraction for a violation of this code*  
22 *or of any local ordinance adopted pursuant to this code shall be*  
23 *punished as follows:*

24 (1) By a fine not exceeding one hundred dollars (\$100).

25 (2) For a second infraction occurring within one year of a prior  
26 infraction which resulted in a conviction, a fine not exceeding two  
27 hundred dollars (\$200).

28 (3) For a third or any subsequent infraction occurring within  
29 one year of two or more prior infractions which resulted in  
30 convictions, a fine not exceeding two hundred fifty dollars (\$250).

31 (b) Every person convicted of a misdemeanor violation of  
32 Section 2800, 2801, or 2803, insofar as they affect failure to stop  
33 and submit to inspection of equipment or for an unsafe condition  
34 endangering any person, shall be punished as follows:

35 (1) By a fine not exceeding fifty dollars (\$50) or imprisonment  
36 in the county jail not exceeding five days.

37 (2) For a second conviction within a period of one year, a fine  
38 not exceeding one hundred dollars (\$100) or imprisonment in the  
39 county jail not exceeding 10 days, or both that fine and  
40 imprisonment.

1 (3) For a third or any subsequent conviction within a period of  
2 one year, a fine not exceeding five hundred dollars (\$500) or  
3 imprisonment in the county jail not exceeding six months, or both  
4 that fine and imprisonment.

5 (c) A pedestrian convicted of an infraction for a violation of  
6 this code or any local ordinance adopted pursuant to this code shall  
7 be punished by a fine not exceeding fifty dollars (\$50).

8 (d) A person convicted of a violation of subdivision (a) or (b)  
9 of Section 27150.3 shall be punished by a fine of two hundred fifty  
10 dollars (\$250), and a person convicted of a violation of subdivision  
11 (c) of Section 27150.3 shall be punished by a fine of one thousand  
12 dollars (\$1,000).

13 (e) Notwithstanding any other provision of law, any local  
14 public entity that employs peace officers, as designated under  
15 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of  
16 the Penal Code, the California State University, and the University  
17 of California may, by ordinance or resolution, establish a schedule  
18 of fines applicable to infractions committed by bicyclists within its  
19 jurisdiction. Any fine, including all penalty assessments and court  
20 costs, established pursuant to this subdivision shall not exceed the  
21 maximum fine, including penalty assessment and court costs,  
22 otherwise authorized by this code for that violation. If a bicycle  
23 fine schedule is adopted, it shall be used by the courts having  
24 jurisdiction over the area within which the ordinance or resolution  
25 is applicable instead of the fines, including penalty assessments  
26 and court costs, otherwise applicable under this code.

27 SEC. 3. No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution because  
29 the only costs that may be incurred by a local agency or school  
30 district will be incurred because this act creates a new crime or  
31 infraction, eliminates a crime or infraction, or changes the penalty  
32 for a crime or infraction, within the meaning of Section 17556 of  
33 the Government Code, or changes the definition of a crime within  
34 the meaning of Section 6 of Article XIII B of the California  
35 Constitution.